Appendix J

Biological Assessments

Under Section 7 of the Endangered Species Act (ESA), Federal agencies are required to ensure that actions are not likely to jeopardize the continued existence of a listed species. This is done in a report called a "Biological Assessment." The completed assessment is forwarded to the Federal agency with ESA jurisdiction for each listed species for their concurrence.

This appendix includes the Biological Assessments prepared for the Tongass Forest Plan revision, and the corresponding agency concurrence. The listed species covered are:

American peregrine falcon
Humpback whale
Steller Sea Lion
Snake River Sockeye salmon
Snake River Spring/Summer Chinook salmon
Snake River Fall Chinook salmon

Biological Assessment
For
American Peregrine Falcon
For The Tongass Forest Plan Revision

October 1996

This Biological Assessment examines the potential impacts of the Revision of the Tongass Land Management Plan on listed species pursuant to Section 7 consultation requirements of the Endangered Species Act. This Biological Assessment updates previous Biological Assessments for the Tongass Plan Revision (dated August 1990, and April 1992) for the American and arctic peregrine falcons, 8 candidate plant species, 5 candidate mammals, 3 candidate birds, and 1 candidate amphibian. This update includes these changes:

The Fish and Wildlife Service published final rule in the Federal Register (USFWS, 1994) delisting the Arctic Peregrine Falcon from the Threatened species list.

The Fish and Wildlife Service published a notice in the Federal Register indicating that they no longer maintain lists of Candidate Category 2 species that were considered in the previous assessments (USFWS 1996).

I. Identification of Endangered, Threatened and Candidate Species and/or Critical Habitats For Such Species Within the Project Area.

In a letter dated August 28, 1996, the U.S. Fish and Wildlife Service (USFWS) identified the American peregrine falcon (*Falco peregrinus anatum*) as the only listed species that may occur within the Tongass National Forest project area. This endangered species is the only species that is considered in this Biological Assessment for purposes of Section 7 consultation requirements pursuant to the Endangered Species Act. In the same letter, the USFWS indicated that they have discontinued the designation of Category 2 Candidate species or Species of Concern. Therefore previously identified Category 2 or Special Concern species are not included in this assessment.

Common Name	Scientific Name	ESA Status
American peregrine falcon	*Falco peregrinus anatum*	endangered

II. Overview of Species Distributions, Populations and Habitats.

The American peregrine falcon is primarily associated with interior Alaska for breeding, nesting and rearing of young; it is highly migratory, wintering as far south as northern Argentina (Ambrose, et al., 1988). It occurs in Southeast Alaska only during migration periods. Population numbers in Alaska are continuing to increase (ADF&G letter dated February 6, 1987, Ambrose, et al., 1988). The USFWS is preparing a Federal Register notice to consider delisting the American peregrine falcon; reproduction is increasing and populations are up three-fold (minutes of Interagency Wildlife Technical Committee Meeting of March 29, 1991).

III. Assessment of Effects on the Populations or Habitats of the Species In Relation to Proposed Actions of the Tongass Forest Plan Revision.

Peregrine Falcons
The primary reason for past declines in peregrine falcon populations was the proliferation of organochlorine pesticides, especially DDT and its principle metabolite DDE (Ratcliff, 1969; Peskall, 1976; Cade, et al., 1971; Peskall and Kiff, 1979; U.S. Fish and Wildlife Service, 1982). No organochlorine pesticides are authorized for use on the Tongass National Forest.

The American peregrine falcon subspecies may occur in the Tongass National Forest as a transient, primarily during seasonal migration. During migration, the availability and abundance of prey species will most likely be the primary habitat factor affecting peregrine falcons. In coastal areas of Washington, the primary prey species for peregrine falcons were shorebirds and waterfowl species; passerine birds were also identified in the diet (Anderson and Debruyn, 1979; Anderson, et al., 1980). It is assumed that food sources would be similar for coastal Alaska.

Peregrines forage over open sites such as over bodies of water, marshes, grasslands, shorelines, and over wooded areas. Peregrines attack flying prey from above or by chasing them. Although they forage over wide areas, they also have preferred foraging sites (White, 1974).

Actual migration routes and patterns, and foraging areas have not been identified for these two subspecies of peregrines in Southeast Alaska.

Forest-wide standards and guidelines have been developed for protecting seabird rookeries and waterfowl concentration areas (Appendix I). A wide variety of passerine birds (perching and song) will be available from a wide variety of open and forested communities under all alternatives associated with the Forest Plan revision. Adverse effects on American peregrine falcon populations or their habitats are not anticipated with any Forest management activities. Population numbers of the American peregrine falcon populations are continuing to increase (ADF&G letter dated February 6, 1987; Ambrose, et al., 1988).

Relationship with other Agencies and Plans. The USFWS has responsibility for the threatened and endangered species of peregrine falcons. Recovery Plans have been developed for the Pacific States peregrine falcon population but do not include Alaska (U.S. Fish and Wildlife Service, 1982). No critical habitats have been designated in Southeast Alaska.

Determination. Based upon this analysis, the Revision of the Tongass National Forest Land Management Plan will not likely adversely affect the American peregrine falcon.

In addition, formal and informal consultation procedures (as directed by the Endangered Species Act, as amended and 50 CFR 17.7, and Forest Service Manual 2670) are used with the U.S. Fish and Wildlife Service on all projects within areas thought to be used by peregrine falcons. Forest-wide standards and guidelines for threatened and endangered species (Appendix II) direct all projects to follow requirements of the Endangered Species Act and Forest Service Policy (FSM 2670).

IV. Literature Cited

Ambrose, R. E., R. J. Ritchie, C. M. White, P. F. Schempf, T. Swem, R. Dittrick. 1988. Changes in the Status of Peregrine Falcon Populations in Alaska. Chapter 11 in Peregrine Falcon Populations - Their Management and Recovery, edited by T. J. Cade, J. H. Enderson, C. G. Thelander, and C. M. White. The Peregrine Fund, Inc., Boise, Idaho. 1988.

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U. S. Fish and Wildlife Service. 1982. Pacific Coast Recovery Plan for the American Peregrine Falcon. Prepared by the U. S. Fish and Wildlife Service in Cooperation with The Pacific Coast American Peregrine Falcon Recovery Team. 87pp.

U.S. Department of the Interior, Fish and Wildlife Service. 1994. Endangered and Threatened Wildlife and Plants; Removal of the Arctic Peregrine Falcon From the List of Endangered and Threatened Wildlife. Final Rule, Federal Register 59:50796-50805.

U.S. Department of the Interior, Fish and Wildlife Service. 1996. Endangered and threatened wildlife and plants; review of plant and animal taxa that are candidates for listing as endangered or threatened species. Federal Register. 61: 7596-7613.

White, C. M. 1974. Hunting Range of A Breeding Peregrine Falcon on the Sagavanirktok River. (Unpubl. Rept.). Brigham Young Univ., Provo, Utah, and U. S. Fish and Wildlife Service, Anchorage, AK.

Documentation Of Correspondence With Other Agencies

Sept. 1, 1987: Forest Service letter to USFWS requesting list of T & E species.

Oct. 27, 1987: Follow-up letter to USFWS requesting list of T & E species.

Nov. 9, 1987: Reply from USFWS listing T & E and candidate species.

Dec. 18, 1987: Meeting with USFWS discussing T & E and candidate species.

Jan. 4, 1988: Letter from USFWS discussing candidate plant species.

Mar. 8, 1988: Letter from USFWS discussing the marbled murrelet.

June 6, 1988: Interagency wildlife task group meeting.

July 18, 1988: Interagency wildlife task group meeting.

Sept. 1, 1988: Interagency wildlife task group meeting.

Sept. 8, 1988: Interagency wildlife task group meeting.

Jan., 1989: USFWS lists the marbled murrelet as a category 2 species.

April 5, 1989: Phone contact with the USFWS about updates to the T & E and candidate species lists.

June 12, 1989: Marbled murrelet meeting with the USFWS, ADF&G, FS, and Pacific Southwest Research Station.

Aug. 22, 1990: Biological Assessment transmitted to USFWS and ADF&G for their review.

Sept. 13, 1990: Reply from USFWS on their review of the Biological Assessment.

Sept. 20, 1990: Letter to USFWS thanking them for their review of the Biological Assessment.

Sept. 25, 1990: Reply from ADF&G on their review of the Biological Assessment.

Nov. 26, 1990: Letter from the Alaska Natural Heritage Program discussing changes in the status of candidate plants.

March 20, 1991: Interagency Wildlife Technical Committee Meeting.

April 2-4, 1991: Marbled murrelet workshop sponsored by the USFWS.

April 8, 1992: Letter to USFWS requesting updated list of T & E and proposed and candidate species.

April 9, 1992: Phone conversation with the Alaska Natural Heritage Program to check on any changes in the listing of candidate plants.

April 15, 1992: Letter from USFWS updating the list of threatened, endangered, and candidate species likely to occur on the Forest.

April 17, 1992: Phone conversation with the USFWS clarifying that the Aleutian Canada goose is not likely to occur on the Forest.

August 26, 1996: Phone call from Chris Iverson, TLMP IDT, to USFWS requesting a current list of endangered or threatened species that may occur within the Tongass National Forest for the purposes of preparing a Biological Assessment for purposes of Section 7 ESA consultation.

August 28, 1996: Letter from USFWS to the Beth Pendleton, TLMP IDT Co-team leader, identifying the American peregrine falcon as the only listed species that may occur within the Tongass National Forest project area. The letter also clarified that the USFWS no longer maintains a list of candidate category 2 species.

Appendix 1

Wildlife Standards and Guidelines proposed in the Revised Tongass National Forest Land Management Plan (portions excerpted pertaining to the conservation of waterfowl and shorebird habitats).

WILDLIFE
Forest-wide Standards & Guidelines

Wildlife Habitat Planning: WILD112

I. ***Coordination/cooperation with other Agencies, Institutions and Partners***

A. Coordinate with the Alaska Department of Fish and Game, other state agencies, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, tribal governments, and other cooperators and partners during the planning of activities that may affect wildlife.
   1. Each administrative area should meet at least annually with state and Federal wildlife agencies to review resource activities, present progress reports on implementation of past cooperative work or agreements. and schedule cooperative work.
   2. Seek to maintain memoranda of understanding with appropriate state, Federal, and local agencies and associations.

B. Emphasize management for indigenous wildlife species and natural habitat except in cases where the Forest Service, in cooperation with the Alaska Department of Fish and Game and U.S. Fish and Wildlife Service, find desirable alternatives. Special consideration will be given to the habitat of sensitive, threatened, and endangered species of plants, wildlife, and fish.

C. Coordinate wildlife habitat surveys, studies, plans and improvement projects with the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, and other appropriate state, Federal, tribal, local and private agencies. Use the Sikes Act authorities for cooperative work with the state. Use agreements and other partnerships to cooperate with other partners.

D. Coordinate with the Alaska Department of Fish and Game in development of state strategic plans and population goals and objectives for wildlife species and attempt to incorporate wildlife goals and objectives into forest management.

E. Provide habitat information to the Alaska Department of Fish and Game to assist in correlating hunting seasons, permits, and bag limits to on-the-ground habitat conditions so that population and habitat objectives can be achieved.

II. ***General Habitat Planning/Coordination***

A. Recognize as wildlife habitat, areas of land and water which can contribute to achieving wildlife objectives for consumptive and non-consumptive uses.

B. Provide the abundance and distribution of habitat necessary to ensure that viable and healthy populations of all existing native, and desirable introduced, species are well-distributed and maintained over time.

C. Cooperate with the state in managing vehicle, boat, and other human use (e.g. hunting and fishing seasons and bag limits) as necessary to achieve wildlife objectives, recognizing the access provisions of ANILCA. Emphasize management to reduce human disturbance in high value habitat areas and during critical periods of wildlife use.

D. Maintain an Area program schedule which includes anticipated wildlife habitat and population inventory needs, monitoring requirements and proposed habitat improvement and maintenance projects.

E. Use management indicator species to evaluate the potential effects of proposed management activities on wildlife habitat. Use the following guidelines to select the appropriate indicators for individual projects.
   1. Forest Plan Management Indicator Species.
   2. MIS recommended for the Region. (Consult the USDA Forest Service publication *Wildlife and Fisheries Habitat Management Notes -- Management Indicator Species for the National Forest Lands in Alaska*, publication R10-TP-2.).
   3. Sensitive Species designated by the Regional Forester subject to FSM 2670.

4. Federal or State-listed threatened or endangered species.
5. Candidate Category 1 species identified by the U.S. Fish and Wildlife Service.
6. Species having significant economic value. Normally these species are those commonly hunted or trapped, or which have a high non-consumptive value (species sought after for viewing).
7. Species which have the potential to be seriously and adversely affected by the proposed project and are not adequately represented by the above management indicators.

F. Develop interagency habitat capability models for any or all of the above listed management indicators to systematically assess the impacts of proposed projects for project level analysis. Periodically review and update models to reflect the most current habitat relationships and habitat modeling technology.

G. Non-indigenous species are incompatible with Wilderness and National Monument values and will not be introduced into wilderness or National Monuments.
   1. Introductions of non-indigenous species into nonwilderness areas will be conducted in cooperation with the Alaska Department of Fish and Game.
   2. Cooperate with the Alaska Department of Fish and Game to manage existing populations of non-indigenous species to prohibit or limit their dispersal into Wilderness areas. Where non-indigenous species exist in wilderness, management includes conducting inventories and studies to assess the potential impacts of introduced species on the sustainability of native plant and animal communities. If adverse impacts are discovered, consider control or removal of non-indigenous individuals or populations.

H. When population or habitat declines for a plant or animal species or subspecies indicates that long-term persistence is at risk, evaluate the particular species for designation as a Regional Sensitive Species by the Regional Forester.

III. *Seabird Rookeries*

A. Provide for the protection and maintenance of seabird (marine bird) rookeries.
   1. Locate facilities and concentrated human activities requiring Forest Service approval as far from known seabird colonies as feasible consistent with the Migratory Bird Treaty Act. The following distances are provided as general guidelines for maintaining habitats and reducing human disturbance:
      a) For aircraft flights on Forest Service permitted or approved activities, when weather ceilings permit, maintain a constant flight direction and airspeed and a minimum flight elevation of 1,500 feet (458 meters) for helicopters and 1500 feet (458 meters) for fixed-winged aircraft. If at all possible, avoid flying over seabird colonies.
      b) Regulate human use to maintain a 250 meter no disturbance distance from seabird colonies on upland habitats.
   2. The availability of garbage to gulls should be eliminated by requiring special use permittees to collect and dispose of garbage from their Special Use Authorizations.
   3. Cooperate with state and other Federal agencies to develop sites and opportunities for the safe public viewing of these species. Maintain a public education program explaining forest management activities related to these species in cooperation with state and other Federal agencies.

IV. *Waterfowl and Shorebird Habitats*

A. Maintain or enhance wetland habitats which receive significant use by waterfowl and shorebirds. (The Tongass National Forest is a “Priority Forest’ in the national TAKING WING Strategic Plan.) Significant is relative, but generally relates to use of a specific area by tens or hundreds of individuals of one or more species.
   1. Support the international significance of wetland habitats on the Tongass National Forest by participating in partnerships such as the North American Waterfowl Management Plan and the Western Hemisphere Shorebird Reserve Network.
   2. Identify during project environmental analysis, in cooperation with the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service, wetlands which receive significant waterfowl or shorebird use during fall/winter/spring concentrations or nesting, brood rearing or molting habitats.

3. Locate facilities and concentrated human activities requiring Forest Service approval as far from known waterfowl or shorebird concentration and nesting areas as feasible. Minimize disturbance of waterfowl by restricting, when feasible, development activities to periods when waterfowl are absent from the area.
4. During project planning, consider the need to rehabilitate waterfowl habitat following development activities if there is no feasible alternative to the habitat disturbance. (Also see the Forest-wide Standards and Guidelines for Wetlands.)
5. Maintain habitat capability in coastal wetlands and intertidal areas that are important migratory staging areas and fall/winter/spring concentration areas, and wetlands that are important nesting and brood-rearing habitats, by avoiding, where feasible, all development activities which could fill wetlands, drain wetlands, or alter water levels resulting in loss of desirable vegetation, or direct loss of habitat.
6. Minimize human disturbance of habitats during important periods of the year (nesting and brood-rearing, molting, and winter) by managing human use (such as trails, off-highway vehicle use) in significant wetland areas. The following distances are provided as guidelines for reducing human disturbance:
    a) Provide a minimum distance of 330 feet (100 meters) between human activities on the ground and significant areas being used by other waterfowl.
7. Develop waterfowl habitat improvement projects in cooperation with appropriate state, Federal and local agencies, partner organizations, and individuals .
8. For Special Use Administration (non-recreational), issue only authorizations which meet the objectives of Executive Order 11990 (Protection of Wetlands). Issue permits which serve to preserve, enhance, or aid in the management of the natural and beneficial values of wetlands.
9. Perform integrated logging system and transportation analysis to determine if other feasible routes avoiding high use waterfowl areas exist.
10. If the need to restrict road access is identified during project interdisciplinary review, roads will be closed either seasonally or yearlong to minimize adverse effects on waterfowl.
11. Cooperate with state and other Federal agencies to develop sites for safe public viewing opportunities that do not adversely disturb wildlife. Maintain a public education program explaining forest management activities related to these species in cooperation with state and other Federal agencies.

B. Conduct activities to avoid or minimize disturbance to habitats within the forest, riparian, and estuarine areas which are important nesting, brooding, rearing, and molting areas, for Vancouver Canada geese, sandhill cranes, or trumpeter swans.

Appendix 2

Proposed forest-wide standards and guidelines in the Revised Tongass Land Management Plan for the conservation of threatened, endangered, candidate and sensitive species (portions excerpted relevant to the American Peregrine Falcon).

THREATENED, ENDANGERED, CANDIDATE, AND SENSITIVE SPECIES
Forest-wide Standards & Guidelines

Threatened, Endangered and Sensitive Species: TE&S

I. *Threatened or Endangered Species*

A. Meet the requirements of the Endangered Species Act, as amended.

1. Ensure that projects funded, authorized, or permitted by the Forest Service do not jeopardize the continued existence of threatened or endangered species. Use informal and formal consultation (for listed species) procedures, and conference (for formally proposed species) procedures (whichever is appropriate) with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service for all major construction activities and other forest management activities which may have an effect on federally-listed threatened, endangered, or proposed species population, or critical habitat. Prepare biological assessments or evaluations, as required, for species that may be affected by management activities (Consult FSM 2670).
2. Identify, manage, and protect essential and critical habitats to meet legal requirements and recovery objectives for species that are federally-listed as threatened or endangered. Implement national and regional Forest Service policy and direction for management of threatened, endangered, and proposed species (Consult FSM 2670.)
3. Support monitoring, research, and inventory work for threatened, endangered, and proposed species. Coordinate with appropriate Federal and state agencies. Use "challenge cost share," Sikes Act agreements, "Section 6 Grants" (under authority of the Endangered Species Act), and other partnerships.
4. Conserve habitats for species tending toward federal listing to preclude the need for listing and additional protection under the Endangered Species Act. Meet this objective by implementing the following interagency memorandums of understanding:
   a) National Memorandum of Understanding between the U.S. Department of Agriculture Forest Service, U.S. Department of Interior Fish and Wildlife Service, Bureau of Land Management, and National Park Service and the U.S. Department of Commerce National Marine Fisheries Service, and International Association of Fish and Wildlife Agencies (January 25, 1994, 94-SMU-058 as amended). The purpose of the MOU is to establish a framework for the conservation of species that are tending toward federal listing.
   b) Regional Memorandum of Understanding that is tiered to the National MOU (a. above) entered into between the Forest Service, Alaska Region, Fish and Wildlife Service, Alaska Region, and Alaska Department of Fish and Game (December 20, 1994 as amended).
      (1) The objective of this MOU is to promote interagency cooperation in the conservation of species tending toward listing under the Federal or State Endangered Species Acts.
      (2) Cooperators shall meet at least annually to assess implementation of the MOU and success in meeting MOU objectives.

B. American peregrine falcon

1. Provide for the protection and maintenance of habitats for migrating American peregrine falcons.
2. Obtain increased understanding and knowledge about the migration of American peregrine falcons through southeast Alaska (for example the timing of migrations, the length of stay in southeast Alaska, important foraging areas, important prey items, etc.).
3. Protect seabird rookeries and waterfowl concentration areas that provide important prey foraging habitat (see Forest-wide Wildlife Standards and Guidelines).

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Southeast Alaska Ecological Services
3000 Vintage Blvd., Suite 201
Juneau, Alaska 99801-7100

IN REPLY REFER TO:

October 30, 1996

Beth Pendleton
U.S. Forest Service
Tongass National Forest
Forest Plan Interdisciplinary Team
8465 Old Dairy Road
Juneau, Alaska 99801

Dear Ms. Pendleton:

The U.S. Fish and Wildlife Service has reviewed the biological assessment, dated , October 29, 1996, for threatened and endangered species that may occur in the vicinity of the Tongass National Forest, in Southeast Alaska. The assessment evaluated the effects of proposed actions under the revised Tongass Land Management Plan on the endangered American peregrine falcon (Falco peregrinus anatum).

For the purposes of Section 7 consultation, we agree that populations of the American peregrine falcon will not likely be adversely affected as a result of the proposed projects.

These comments are offered for endangered and threatened species for which the U.S. Fish and Wildlife Service has responsibility under Section 7 of the Endangered Species Act of 1973 (16 USC 1521 et seq.) and its amendments. The above comments are specific to the Endangered Species Act and do not reflect agency concerns regarding other organisms or habitats for which the Service has legislated responsibilities.

Sincerely,

John Lindell
Endangered Species Biologist

Biological Assessment
For
The Endangered Humpback Whale And Snake River Sockeye Salmon
And
Threatened Steller Sea Lion,
Snake River Spring/Summer Chinook Salmon,
And Snake River Fall Chinook Salmon
For The Tongass National Forest Plan Revision

October 1996

This Biological Assessment updates a previous Biological Assessment (dated April 1992) that was prepared for eight species of endangered whales and the threatened Steller sea lion for the Tongass Forest Plan Revision. The NMFS concurred with the Forest Service finding in that Biological Assessment that the proposed revised Tongass Land Management Plan was not likely to adversely affect listed species under the jurisdiction of the NMFS. This update includes these changes:

- Consideration of only the humpback whale as likely to occur within the coastal waters possibly affected by the proposed action;
- Consideration of 3 species of Pacific salmon listed since the previous update and may occur within the project area;
- Modification of forest-wide standards and guidelines for the conservation and recovery of listed species developed in cooperation with biologists from the National Marine Fisheries Service (NMFS).

I. Identification of Endangered and Threatened Species and/or Critical Habitats For Such Species Within the Project Area.

The following species were identified by the NMFS (letter dated September 25, 1996) as possibly occurring within the affected project area and are considered in this assessment:

Endangered:

Humpback Whale	*Megaptera novaeangliae*
Snake River Sockeye Salmon	*Onocorhynchus nerka*

Theatened:

Steller Sea Lion	*Eumetopias jubatus*
Snake River Spring/Summer Chinook Salmon	*Onorhynchus tshawytscha*
Snake River Fall Chinook Salmon	*Onorhynchus tshawytshca*

The NMFS completed a final recovery plan for the humpback whale in 1991 and for the Steller sea lion in 1992.

There has been no critical habitat officially designated for the whales at this time in Southeast Alaska. Critical habitat was designated for the Steller sea lion by the NMFS in 1993 and represents areas considered essential for the continued survival and recovery of this species (NMFS 1993). Critical habitat provides notice to Federal agencies that a listed species is dependent on these areas for its continued existence and that any Federal action that may affect these areas is subject to consultation requirements of Section 7 of the Endangered Species Act (ESA). Critical habitat at these sites includes a 3,000 foot distance landward and seaward from the rookery or haulout site. It also includes a 3,000 foot elevation air zone above these terrestrial and aquatic zones. The following sites have been designated as critical habitat in southeast Alaska sites occur within the proposed action project area:

- Benjamin Island
- Biali Rock
- Biorka Island
- Cape Addington
- Cape Cross
- Cape Ommaney
- Coronation Island
- Ledge Point
- Luli Point
- Sunset Island
- Timbered Island

II. Overview Of Species Distributions And Populations.

The following summary of the whales was developed using information provided by the NMFS (letter September 11, 1987), final recovery plans for the humpback whale and Steller sea lion, and document summarizing the ecology of humpback whales and Steller sea lions titled “Background Biological Information for Humpback Whales and Steller sea lion” (NMFS, Anonymous undated), and information contained in the NMFS proposed rule to reclassify the western population of the Steller sea lion (NMFS, 1995).

Humpback Whale

Humpback whales (*Megaptera novaeangliae*) are regularly sighted in the inside Passage and coastal waters of the Southeastern Alaska panhandle from Yakutat Bay south to Queen Charlotte Sound. Humpback whales feed in Southeastern Alaskan panhandle water from about May through December, although some have been seen every month of the year. Peak numbers of whales are usually found in nearshore waters during late August and September, but substantial numbers usually remain until early winter.

The local distribution of humpbacks in Southeastern Alaska appears to be correlated with the density and seasonal availability of prey, particularly herring (Clupea harengus) and euphausiids. Important feeding areas include Glacier Bay and adjacent portions of Icy Straight, Stephens Passage/Frederick Sound, Seymour Canal and Sitka Sound. Glacier Bay and Icy Straight appear to be an important feeding area early in the season, when whales prey heavily on herring and other small, schooling fishes. Frederick Sound is important later in summer, when whales feed on swarming euphausiids. During autumn and early winter, humpbacks move out of the Sound to areas where herring are abundant, particularly Seymour Canal. Other areas of Southeastern Alaska may also be important for humpbacks and need to be evaluated. These include Cape Fairweather, Lynn Canal, Sumner Strait, Dixon Entrance, the west coast of Prince of Wales Island, and offshore banks such as the Fairweather Grounds.

Humpback whale population estimates in Southeastern Alaska range from 374 (+/- 47, 95% confidence interval)(Baker et al. 1986) to 547 (+/- 43, 95% confidence interval)(Baker et al. 1992).

Because the humpback inhabits shallow coastal areas, it is increasingly exposed to human activity. Consequently, these whales may be more susceptible to confrontational disturbance, displacement, and loss of habitat from environmental degradation than some other whale species.

Humpbacks summering in Southeast Alaska have been linked to each of the three wintering areas in Mexico, Hawaii, and Asia.

Steller Sea Lion

The Steller (northern) sea lion (*Eumetopias jubata*) ranges from Hokkaido, Japan, through the Kuril Islands and Okhotsk Sea, Aleutian Islands and central Bering Sea, Gulf of Alaska, Southeast Alaska, and south to central California. The centers of abundance and distribution are the Gulf of Alaska and Aleutian Islands, respectively. The number of sea lions observed on certain rookeries from Kenai Peninsula to Kiska Island declined by 63% since 1985 and by 82% since 1960. The declines are spreading to previously stable areas and are accelerating. Significant declines have also occurred on the Kuril Islands, USSR. Causes of the population decline are unknown.

In 1995, the NMFS published a proposed rule (NMFS, 1995) to recognize two distinct sea lion populations, a western population (west of 144 degree West longitude) and a eastern population, generally east of Cape Suckling and including southeast Alaska. Identification of the two populations was based upon genetic analysis. The proposed rule further recommended that the western population be reclassified due to continued precipitous population declines. The same report documented that sea lion populations had increased from 10-15 percent from 1990 to 1994. The only Steller sea lion rookery in Southeast Alaska is Forrester Island.

Snake River Chinook (All Stocks)

The Snake River chinook (including spring/summer and fall chinook) are not known to inhabit the marine waters of the Tongass National Forest but may occur in marine waters on the outside coast to the west of the Tongass. Because chinook salmon are piscavores they may feed on fish (prey) which are dependent on the waters of Tongass National Forest during some stage of there lives, or these prey species may be effected by the development of log transfer facilities. Additionally, chinook salmon are harvested in the sport and subsistence fisheries which may utilize the Tongass National Forest for saltwater access.

Snake River Sockeye

The Snake River sockeye salmon do not occur within the marine waters bounded by the Tongass National Forest in the Inside Passage, but may occur in adjacent waters near the western boundaries of the Tongass. British Columbia and Washington sockeye stocks normally occur south of the southeast Alaska sockeye stocks below the latitude of 46 degrees. (Burner, Robert L, *in* Pacific Salmon Life Histories, C. Croot and L. Marcolis, *eds., UBC Press,* 1991). Because sockeye salmon are primarily planktivores they are not generally taken in the saltwater sport or subsistence harvest.

III. Assessment Of Effects On The Populations Or Habitats Of The Species In Relation To Proposed Actions Of The Tongass Forest Plan Revision.

Humpback Whale

The recovery plan for the humpback whale identified six known or potential categories of human impacts to these species: hunting, entrapment and entanglement in fishing gear, collisions with ships, acoustic disturbance, habitat degradation, and competition for resources with humans

National Forest management activities which may have an effect on whale habitats or populations generally fall into the categories of acoustic disturbance and habitat degradation. These management activities include: the development and use of log transfer facilities (LTF's) and their associated camps, the movement of log rafts from log transfer facilities to mills, and the potential development of other docks and associated facilities for mining, recreation, and other forest uses and activities. Generally, with the development and use of LTF's and other docking facilities for projects, there is an associated increase in recreational boating in the immediate vicinity during the construction and use of the facilities.

Construction and operation of LTF's and other docking facilities are restricted to small, very localized areas of the marine environment. There are **116 LTF's currently** on the Tongass National Forest. There is an

estimated **227 acres** of marine benthic disturbance associated with these existing LTF's. Not all of the LTF's are active at the same time. An estimated **98 to 176** new LTF's may be needed in the future depending on the amount and distribution of future timber harvesting. An estimated **192 to 345 acres** of marine disturbance would be associated with these new LTF's.

Generally there is no reasonable potential to directly affect whales with these facilities. During the summer of 1989, there was a report of a humpback whale entangled in some cables from an inactive LTF site on the Stikine Area. To our knowledge, this is the only direct effect incident related to LTF's.

Two potential indirect effects of LTF's and other docking facilities and associated activities have been identified: 1) effects on whale prey species, and 2) disturbances of whales by boat traffic associated with LTF's.

Effects on Prey. Nemoto (1970) noted that euphausiids and gregarious fish are the primary prey of humpbacks. Thirteen species of fish and 57 species of invertebrates were identified as humpback whale prey in Southeast Alaska. Humpbacks studied in Glacier Bay and Stephens Passage-Frederick Sound were found most frequently in areas of high prey density (Wing and Krieger 1983).

Construction and operation of all LTF's and similar facilities require U.S. Army Corps of Engineer and U.S. Environmental Protection Agency permits, and State of Alaska Tidelands permits. The permitting process provides that construction and operation maintain water quality in the specific facility locations, and that marine circulation and flushing are maintained. All facilities must be in conformance with permit standards. No impacts to the marine environment which would affect whale prey species are anticipated.

Effects from Disturbance. Humpback whale response to nearby boating activity varies from no apparent response to pod dispersal, sounding, breaching, evasive underwater maneuvers, and maintaining distance (Baker and Herman 1983, Baker et. al. 1982). Disturbance by boat activity has been suggested as one of the possible causes of observed changes in whale distribution in Southeast Alaska. Direct pursuit of whales by boats, and frequent changes in boat speed and direction appear to elicit avoidance behaviors more frequently than other types of boat traffic. However, whales may readily habituate to constant and familiar noise (Norris and Reeves 1978). Whales can be commonly found in some areas of Southeast Alaska which have considerable boat traffic; however, whether they are habituated to boat traffic has not been documented, as far as we know. Adverse effects from current levels of boat traffic have not been documented, as far as we know.

Two basic types of boat activity would be associated with LTF's: log raft towing and recreational boating by workers. Log raft towing frequency would vary between camps, seasons, and years; a general average may be about once a week during the working season (U.S. Forest Service, 1989-94 Operating Period for the Ketchikan Pulp Company Long-term Sale Area). Tugs would maintain relatively constant speeds and directions during raft towing. Constant speed and direction elicit less avoidance behavior from whales than other types of boating activity. Log raft towing routes are generally well established, and adverse effects from log raft towing have not been documented.

Recreational boating activity would vary between seasons, years, and camps of different sizes. This activity would be concentrated near LTF sites, other docking facilities and camps. It is estimated that most recreational boating would occur within a few miles of the site, few trips would be made over 10 miles, and activity greater than 30 miles from a site would be negligible. This boating would involve frequent changes in speed and direction and may include some small amount of whale pursuit, if the whales are within sight of the camp or an occupied boat. The effect of such recreational activity on whales would depend on many factors such as size of the bay, depth of the waters in the bay, number of boats, individual behavior responses of the whales, etc. At the present time, there is not a quantifiable way to estimate these possible effects.

Appendix 1 outlines forest-wide standards and guidelines that have been developed for application on all Forest Service permitted or approved activities to minimize or eliminate any adverse impacts on humpback whales.

The amount of human activity in the marine environment associated with Forest management activities is only a fraction of the total amount of human activity occurring in the marine environment. Some of the other activities include: commercial fishing, sport fishing, hunting, subsistence, tourism, and mariculture. Many of these activities are not regulated by the Forest Service. The NMFS is currently proposing regulations for how close humans can approach whales. The purpose of these regulations is to reduce disturbance to whales from activities such as whale pursuing. Such regulations would reduce the indirect disturbance effects discussed above.

Based upon implementation of these forest-wide management standards and guidelines, National Forest management activities are not likely to directly or indirectly adversely effect humpback whales.

Steller Sea Lion

The NMFS provides a summary of factors affecting the Steller sea lion (NMFS 1990, 1993). These factors include: reductions in the availability of food resources - especially pollock which is the most important prey species for sea lions; commercial harvests of sea lion pups; subsistence harvests of sea lions; harvests for public display and scientific research purposes; predation by sharks, killer whales and brown bear; disease; the inadequacy of existing regulatory mechanisms re quotas on the incidental harvesting of sea lions during commercial fishing operations; other natural or manmade factors such as incidences of fishermen shooting adult sea lions at rookeries, haul out sites, and in the water near boats. None of these factors are regulated or fall within the jurisdiction of the Forest Service.

Southeast Alaska populations have not declined to the extent that other populations have. Harassment or displacement of sea lions from preferred habitats by human activities such as boating, recreation, aircraft, log transfer facilities, log raft towing, etc., is a concern with regard to long term conservation of the sea lion in Southeast Alaska. Forest-wide standards and guidelines direct the Forest Service to prevent and/or reduce potential harassment of sea lions and other marine mammals due to activities carried out by or under the jurisdiction of the Forest Service. These Forest-wide standards and guidelines are listed in Appendix I and II.

Based upon implementation of these forest-wide management standards and guidelines, National Forest management activities are not likely to directly or indirectly adversely effect the Stellar sea lion.

Salmon

The United States Department of Agriculture-Forest Service (Forest Service) has no authority over the direct taking of salmon. This responsibility rests with the State of Alaska, Board of Fisheries, and the Department of Fish and Game. As a land management agency, the Forest Service may indirectly influence the take of fish, both on and adjacent to the National Forest. Indirect take may occur as a result of modification of habitat or improving the opportunity to harvest salmon. Examples of the latter include the development of roads, boat launches, saltwater anchorage's, cabin construction, special use permits for lodges, guides and outfitters, and logging camp development for the purpose of timber harvest. The following analysis considers the potential opportunity for indirect taking of the Snake River Sockeye Salmon (endangered), Snake River spring/summer chinook salmon (threatened) and Snake River fall chinook salmon (threatened).

Snake River Chinook (All Stocks)

Aquatic habitat protection measures have been designed to provide a natural range of habitat conditions in the waters of the Tongass National Forest (Riparian Forest-wide Standards and Guidelines) and have been developed to reduce or eliminate the likelihood of contribution to the degradation of freshwater habitats. Chinook prey species, such as members of the Pacific smelt family and other Pacific salmon, are not anticipated to be negatively impacted. Log transfer facilities could disrupt the natural ecology of some prey species in very limited areas. The small area impacted, less than 0.1 percent of the Tongass shoreline, is not considered to be significant habitat and would not measurably impact the chinook prey base.

The Tongass National Forest Land Management Plan does not schedule any developments which measurably increase the access or opportunity to harvest Snake River chinook salmon by sport or subsistence fisheries. Additionally, it is likely that such projects that could be developed in the future, such as roads, boat launches, saltwater anchorage's, cabins, special use permits for lodges, guides and outfitters, and logging camp development for the purpose of timber harvest would have no measurable effect on the listed chinook salmon.

Snake River Sockeye

Due to both the lack of presence in Tongass National Forest habitats and lack of availability to sport and subsistence fisheries accessed through the Forest, revision of the Tongass National Forest Land Management will not likely adversely affect the Snake River sockeye salmon.

The management of the Tongass National Forest has no direct or indirect effect on the take of the Snake River sockeye salmon, the Snake River spring/summer chinook salmon nor the Snake River fall chinook salmon because there is no authority for harvest and no occurrence of these species in the waters of the Forest.

The management of the Tongass National Forest will have little or no effect on the indirect take of the Snake River sockeye salmon, the Snake River spring/summer chinook salmon nor the Snake River fall chinook salmon. There is only a very limited relationship between the life history of these salmon and management of terrestrial habitats of the Tongass. indirect factors than may affect indirect take of these salmon will be so remote as to constitute and because of the magnitude of the possible management actions. . because of the protection measures afforded the waters of the Tongass

Determination. Based upon the analysis presented, the proposed revision of the Tongass Land Management Plan will not likely adversely affect the humpback whale, Steller sea lion, Snake River sockeye salmon, the Snake River spring/summer chinook salmon nor the Snake River fall chinook salmon or their habitats.

In addition, formal and informal consultation procedures (as directed by the Endangered Species Act, as amended in 50 CFR 17.7, and Forest Service Manual 2670) are used with the National Marine Fisheries Service on all site specific projects that implement the forest plan. Forest-wide standards and guidelines for threatened and endangered species (Appendix I) also direct that all projects will comply with requirements of the Endangered Species Act and Forest Service Policy (FSM 2670).

IV. Literature Cited

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Wing, Bruce L. and Kenneth Krieger. 1983. Humpback Whale Prey Studies in Southeastern Alaska, Summer 1982. Northwest and Alaska Fisheries Center, Auke Bay Laboratory. National Marine Fisheries Service, NOAA. Auke Bay, Alaska.

Documentation Of Correspondence With Other Agencies

Sept. 1, 1987: Forest Service letter to NMFS requesting list of T & E species.

Sept. 11, 1987: Reply from NMFS with list of T & E species.

Feb. 6, 1987: State of Alaska endangered species list.

Aug. 15, 1989: Phone conversation with NMFS requesting information and data for whales and other marine mammals.

April 2, 1990: Phone conversation with NMFS about the status of recovery plans for whales and designation of critical habitat.

April 5, 1990: NMFS publishes in the Federal Register emergency listing of the Steller sea lion as a threatened species.

May 31, 1990: Meeting with NMFS about the emergency listing of Steller sea lion as a threatened species; also discussed guidelines/regulations being developed by NMFS on minimum approach distances.

Aug. 22, 1990: Biological Assessment transmitted to NMFS and ADF&G for their review.

Aug. 30, 1990: Phone conversation with NMFS clarifying portions of the Biological Assessment.

Sept. 4, 1990: Reply from NMFS on their review of the Biological Assessment.

Sept. 20, 1990: Letter to NMFS thanking them for their review of the Biological Assessment.

Sept. 25, 1990: Reply from ADF&G on their review of the Biological Assessment.

Dec. 4, 1990: NMFS publishes final rule in the Federal Register listing the Steller sea lion as a threatened species.

April 8, 1992: Phone conversation with NMFS about the status of recovery plans for whales and the Steller sea lion, and proposed regulations for approaching marine mammals.

Sept. 11, 1996 Letter to NMFS requesting a list of species that must be considered for Section 7 ESA consultation for the TLMP Revision Final EIS.

Sept. 25, 1996: Letter from NMFS (Dr. Zimmerman) to TLMP Planning Team (Chris Iverson) identifying species listed under the ESA that should be considered in the Biological Assessment for the Tongass Land Management Plan Revision.

Appendix 1

Forest-wide standards and guidelines for threatened, endangered and sensitive species in the Tongass Land Management Plan revision. (Portions excerpted relevant to fish and marine mammals.)

THREATENED, ENDANGERED, CANDIDATE, AND SENSITIVE SPECIES
Forest-wide Standards & Guidelines

Threatened, Endangered and Sensitive Species: TE&S

I. Threatened or Endangered Species

A. Meet the requirements of the Endangered Species Act, as amended.

1. Ensure that projects funded, authorized, or permitted by the Forest Service do not jeopardize the continued existence of threatened or endangered species. Use informal and formal consultation (for listed species) procedures, and conference (for formally proposed species) procedures (whichever is appropriate) with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service for all major construction activities and other forest management activities which may have an effect on federally-listed threatened, endangered, or proposed species population, or critical habitat. Prepare biological assessments or evaluations, as required, for species that may be affected by management activities (Consult FSM 2670).
2. Maintain and/or improve habitats for the recovery and conservation of species that are federally-listed as threatened or endangered, and those species that are formally proposed for listing as federally threatened or endangered. Implement national and regional Forest Service policy and direction for management of threatened, endangered, and proposed species (Consult FSM 2670.)
3. Support monitoring, research, and inventory work for threatened, endangered, and proposed species. Coordinate with appropriate Federal and state agencies. Use "challenge cost share," Sikes Act agreements, "Section 6 Grants" (under authority of the Endangered Species Act), and other partnerships.
4. Conserve habitats for species tending toward federal listing to preclude the need for listing and additional protection under the Endangered Species Act. Meet this objective by implementing the following interagency memorandums of understanding:
   a) National Memorandum of Understanding between the U.S. Department of Agriculture Forest Service, U.S. Department of Interior Fish and Wildlife Service, Bureau of Land Management, and National Park Service and the U.S. Department of Commerce National Marine Fisheries Service, and International Association of Fish and Wildlife Agencies (January 25, 1994, 94-SMU-058 as amended). The purpose of the MOU is to establish a framework for the conservation of species that are tending toward federal listing.
   b) Regional Memorandum of Understanding that is tiered to the National MOU (a. above) entered into between the Forest Service, Alaska Region, Fish and Wildlife Service, Alaska Region, and Alaska Department of Fish and Game (December 20, 1994 as amended).
      (1) The objective of this MOU is to promote interagency cooperation in the conservation of species tending toward listing under the Federal or State Endangered Species Acts.
      (2) Cooperators shall meet at least annually to assess implementation of the MOU and success in meeting MOU objectives.

B. Steller Sea Lion

1. Protect Steller sea lion habitats.
2. Ensure that Forest Service funded, permitted or authorized activities are conducted in a manner consistent with the requirements, consultations, or advice received from the *appropriate regulatory agencies for the Marine Mammal Protection Act*, the *Endangered Species Act*, and National Marine Fisheries Service guidelines for approaching seals and sea lions. "Taking" of sea lions is prohibited; "taking" includes harassing or pursuing or attempting any such activity.
3. Locate facilities, camps, LTFs, campgrounds and other developments 1 mile from known haulouts, and, farther away, if the development is large.

4. Cooperate with state and other federal agencies to develop sites and opportunities for the safe viewing and observation of sea lions by the public. Maintain a public education program explaining forest management activities related to sea lions in cooperation with state and other federal agencies.

C. Whale Habitats
   1. Provide for the protection and maintenance of whale habitats.
   2. Ensure that Forest Service permitted or approved activities are *conducted in a manner consistent with the Marine Mammal Protection Act*, the *Endangered Species Act*, and National Marine Fisheries Service regulations for approaching whales, dolphins, and porpoise. "Taking" of whales is prohibited; "taking" includes harassing or pursuing or attempting any such activity.

Appendix 2
Wildlife Forest-wide standards and guidelines

WILDLIFE
Forest-wide Standards & Guidelines

Wildlife Habitat Planning: WILD112

I. Coordination/cooperation with other Agencies, Institutions and Partners

A. Coordinate with the Alaska Department of Fish and Game, other state agencies, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, tribal governments, and other cooperators and partners during the planning of activities that may affect wildlife.
   1. Each administrative area should meet at least annually with state and Federal wildlife agencies to review resource activities, and schedule work needing coordination.
   2. Seek to maintain memoranda of understanding with appropriate state, Federal, and local agencies and associations.

B. Emphasize management for indigenous wildlife species and natural habitat except in cases where the Forest Service, in cooperation with the Alaska Department of Fish and Game and U.S. Fish and Wildlife Service, find desirable alternatives. Special consideration will be given to the habitat of sensitive, threatened, and endangered species of plants, wildlife, and fish.

C. Coordinate wildlife habitat surveys, studies, plans and improvement projects with the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, and other appropriate state, Federal, tribal, local and private agencies. Use the Sikes Act authorities for cooperative work with the state. Use agreements and other partnerships to cooperate with other partners.

D. Coordinate with the Alaska Department of Fish and Game in development of state strategic plans and population goals and objectives for wildlife species.

E. Provide habitat information to the Alaska Department of Fish and Game to assist in correlating hunting seasons, permits, and bag limits to on-the-ground habitat conditions so that population and habitat objectives can be achieved.

II. Marine Mammal Habitats

A. Provide for the protection and maintenance of harbor seal, Steller sea lion and sea otter habitats.
   1. Ensure that Forest Service permitted or approved activities are *conducted in a manner consistent with the Marine Mammal Protection Act, the Endangered Species Act*, and National Marine Fisheries Services guidelines for approaching seals and sea lions. "Taking" of marine mammals is prohibited; "taking" includes harassment, pursuit, or attempting any such activity.
   2. Locate facilities and concentrated human activities requiring Forest Service approval as far from known marine mammal haul outs, rookeries and known concentration areas as feasible. The following distances are provided as general guidelines for maintaining habitats and reducing human disturbance:
      a) Locate camps, log transfer facilities, campgrounds and other developments (where allowed by the Land Use Designation) 1 mile from known haul outs, and farther if the development is large.
      b) Individuals associated with Forest Service permitted or approved activities will not intentionally approach within 100 yards, or otherwise intentionally disturb or displace any hauled-out marine mammal.
      c) Dispose of waste oil and fuels off-site as regulated by the Alaska Department of Environmental Conservation.
   3. Cooperate with the State and other Federal agencies to develop sites and opportunities for the safe viewing and observation of marine mammals by the public. Maintain a public education program explaining forest management activities related to marine mammals in cooperation with state and other Federal agencies.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

November 21, 1996

Beth Pendleton
U.S. Forest Service
Tongass National Forest
Forest Plan Interdisciplinary Team
8465 Old Dairy Road
Juneau, Alaska 99801

Dear Ms. Pendleton:

The National Marine Fisheries Service has reviewed the Biological Assessment for the Tongass National Forest Plan Revision and concurs that the Revision is not likely to adversely affect any threatened or endangered species under our jurisdiction. This determination is based on U.S. Forest Service adherence to the "Forest-wide Standards & Guidelines for Threatened, Endangered, Candidate, and Sensitive Species."

To update information used in these guidelines, we have enclosed a copy of the "1996 Guide to Viewing Marine Mammals in Alaska." In addition, we noted that an error occurred in the section on the Steller sea lion, on page 4, paragraph 2, stating "The only Steller sea lion rookery in Southeast Alaska is Forester Island." There are two other Steller sea lion rookeries in Southeast Alaska, White Sisters and Hazy Island. All three are listed as critical habitat and should be included with haulouts noted for this special status on page 3. To help you identify these sites we have enclosed the list of critical habitat haulouts and rookeries and highlighted those in Southeast Alaska.

This concludes Section 7 consultation between the U.S. Forest Service and NMFS for the Tongass National Forest Plan Revision Biological Assessment. However, should project plans change or new information become available that changes the basis of this decision, then consultation should be reinitiated.

Please contact Linda Shaw of my staff at (907) 586-7510 if you have any further questions.

Sincerely,

Steven Pennoyer
Administrator, Alaska Region

Enclosures